

**SUPREME COURT MINUTES
WEDNESDAY, JUNE 24, 2009
SAN FRANCISCO, CALIFORNIA**

S064769**PEOPLE v. HAWTHORNE
(CARLOS ANTHONY)**

The petition for rehearing is denied.

S172199 A120228 First Appellate District, Div. 5**GREENE (FORD) v. MARIN
COUNTY FLOOD CONTROL
AND WATER
CONSERVATION DISTRICT/
(FLOOD MITIGATION
LEAGUE OF ROSS VALLEY)**

Petition for review granted

Werdegar, J., was recused and did not participate.

Votes: George, C. J., Kennard, Moreno, and Corrigan, JJ.

S172237 A119035 First Appellate District, Div. 2**GRODENSKY (HARVEY) v.
ARTICHOKE JOE'S CASINO**

Petition for review granted; briefing deferred (rule 8.512(d)(2))

The petition for review is granted.

Further action in this matter is deferred pending consideration and disposition of a related issue in *Lu v. Hawaiian Gardens Casino, Inc.*, S171442 (see Cal. Rules of Court, rule 8.512(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Votes: George, C. J., Kennard, Baxter, Werdegar, Chin, Moreno, and Corrigan, JJ.

S173042 C058034 Third Appellate District**K.J. v. ROMAN CATHOLIC
BISHOP OF STOCKTON**

Petition for review granted

Votes: George, C. J., Kennard, Baxter, Werdegar, Chin, Moreno, and Corrigan, JJ.

S075699**PEOPLE v. MARTINEZ
(MIGUEL ANGEL)**

Supplemental briefing ordered

The parties are requested to brief any cases they deem relevant to the issue arising under *Crawford v. Washington* (2004) 541 U.S. 36 that were published after the filing of their latest briefs. The parties may file simultaneous opening letter briefs on or before July 27, 2009. Letter reply briefs may be filed on or before August 10, 2009.

S173166 B210077 Second Appellate District, Div. 1 **R.M., IN RE**

Review granted on the court's own motion; transferred to Court of Appeal, Second Appellate District, Division One

The request to order review on the Court's own motion is granted.

The cause is transferred to the Court of Appeal, Second Appellate District, Division One, to vacate its opinion and reconsider the matter as it sees fit.

Votes: George, C. J., Kennard, Baxter, Werdegar, Chin, Moreno, and Corrigan, JJ.

S173218 A119316 First Appellate District, Div. 5**KOEPNICK (DENNIS) v.
KASHIWA FUDOSAN
AMERICA, INC.**

Petition ordered withdrawn

Pursuant to written request of petitioner the above-entitled petition for review is ordered withdrawn.

S171561 B207324 Second Appellate District, Div. 6
Petition for review denied**SMITH (LINDA LEE) ON H.C.****S171816** F050427 Fifth Appellate District**PEOPLE v. FOUSE
(DARLENE RENEE)**

Petition for review denied

Baxter, J., was recused and did not participate.

S171984 B214555 Second Appellate District, Div. 4**STOKES (RALPH PAUL) ON
H.C.**

Petition for review denied

S172067	B201294 Second Appellate District, Div. 5	PEOPLE v. REYES (JOSE ALBERT)
Petition for review denied		
S172220	B207920 Second Appellate District, Div. 3	PEOPLE v. LOPEZ (GILBERT)
Petition for review denied		
S172228	D049704 Fourth Appellate District, Div. 1	ROZZO (JOSEPH) ON H.C.
Petition for review denied		
S172257	F053858 Fifth Appellate District	PEOPLE v. WILLIAMS (BOBBY LEE)
Petition for review denied		
S172266	A118349/A123088 First Appellate District, Div. 3	PEOPLE v. WASHINGTON (DWAYNE)
Petition for review denied		
S172279	A121531 First Appellate District, Div. 1	PEOPLE v. FOWLER (ANTOINE)
Petition for review denied		
S172307	F053718 Fifth Appellate District	PEOPLE v. MARTINEZ (DAVID)
Petition for review denied		
S172319	E042884 Fourth Appellate District, Div. 2	PEOPLE v. MOORE, JR., (EMERY TROY)
Petition for review denied		
S172327	B203616 Second Appellate District, Div. 1	PEOPLE v. WILLIAMS (ROBERT VINCENT)
Petitions for review denied		

S172331 D054870 Fourth Appellate District, Div. 1

Petition for review denied

**TAYLOR (ANTHONY) v. S.C.
(PEOPLE)**

S172342 C053995 Third Appellate District

Petition for review denied

**PEOPLE v. PIERCE (RANDY
DEAN)**

S172375 H034081 Sixth Appellate District

Petition for review denied

**COLE (JEFFREY TONY) ON
H.C.**

S172390 C051656 Third Appellate District

Petition for review denied

Kennard, J., is of the opinion the petition should be granted.

**PEOPLE v. MILLIKEN
(JAMES MICHAEL)**

S172442 H031525 Sixth Appellate District

Petition for review & depublication request(s) denied

Chin and Corrigan, JJ., are of the opinion the petition should be granted.

**PEOPLE v. EARLE
(CAMERON LEE)**

S172445 H032982 Sixth Appellate District

Petition for review denied

**EARLE (CAMERON LEE) ON
H.C.**

S172451 B206492 Second Appellate District, Div. 1

Petition for review denied

PEOPLE v. FRAGA (EDDY)

S172455 F055343 Fifth Appellate District

Petition for review denied

**PEOPLE v. SANCHEZ
(MATTHEW)**

S172475 B205744 Second Appellate District, Div. 7
Petition for review denied

**PEOPLE v. CAMPBELL
(WESLEY KANE)**

S172503 B207145 Second Appellate District, Div. 2
Petition for review denied

**PEOPLE v. HERNANDEZ
(WILBUR)**

S172514 G039008 Fourth Appellate District, Div. 3
Petition for review denied

**PEOPLE v. PUTANSU
(SHAWN LAWRENCE)**

S172532 A119405 First Appellate District, Div. 2
Petition for review denied

**PEOPLE v. GUEVARA (JOSE
FRANCISCO)**

S172535 F053972 Fifth Appellate District
Petition for review denied
Baxter, J., was recused and did not participate.

**PEOPLE v. BALL (ANDRE
CORNELL)**

S172536 G039632 Fourth Appellate District, Div. 3
Petition for review denied

**PEOPLE v. ESTUDILLO
(LUIS ALFONSO)**

S172545 C058167 Third Appellate District
Petition for review denied

PEOPLE v. ADCOCK (MARK)

S172547 B206376 Second Appellate District, Div. 2
Petition for review denied

**PEOPLE v. STEBLER (JAKE
QUENTIN)**

S172557 B203265 Second Appellate District, Div. 3
Petition for review denied

**PEOPLE v. LONGORIA
(ANNA MARIA)**

S172566 B206618 Second Appellate District, Div. 4

Petition for review denied

**NARANJO (GUSTAVO) v.
SPECTRUM SECURITY
SERVICES, INC.**

S172570 G038994 Fourth Appellate District, Div. 3
Petition for review denied

C.G., IN RE

S172588 E040796 Fourth Appellate District, Div. 2
Petition for review denied

**PEOPLE v. ARROYO
(ALBERTO)**

S172707 B210470 Second Appellate District, Div. 3
Petition for review & depublication request(s) denied

**LONG BEACH MEMORIAL
MEDICAL CENTER v. S.C.
(CONNORS)**

S172719 C061234 Third Appellate District
Petition for review denied

**COLUSA TRAILER v.
WORKERS'
COMPENSATION APPEALS
BOARD/(HICKEY)**

S172759 B214819 Second Appellate District, Div. 1
Petition for review denied

AYALA (GABRIEL) ON H.C.

S172764 C058655 Third Appellate District
Petition for review denied

**PATKINS (DAVID C.) v.
BROWN (DAVID)**

S172793 C061579 Third Appellate District
Petition for review denied

**KILLINGSWORTH
(MARTIN) ON H.C.**

S172807 A124622 First Appellate District, Div. 4

Petition for review denied

**JOHNSON (WAYNE RAY) ON
H.C.**

S172808 B206198 Second Appellate District, Div. 3

Petition for review denied

**PEOPLE v. BOYDEN
(TOMMY DAVID)**

S172815 B215339 Second Appellate District, Div. 6

Petition for review denied

**WILSON (THEODORE
O'DELL) ON H.C.**

S172819

Petition for writ of mandate/prohibition & application for stay denied

**DFI FUNDING, INC. v.
CALIFORNIA ENERGY
COMMISSION (ORANGE
GROVE ENERGY, L.P.)**

S172826 A124689 First Appellate District, Div. 4

Petition for review denied

**WOODS II (EARNEST C.) ON
H.C.**

S172853 A113035 First Appellate District, Div. 4

Petition for review denied

**KHAZAN (LARISA) v.
BRAYNIN (FELIX)**

S172866 C058941 Third Appellate District

Petition for review denied

**KELLY (STANLEY WADE),
ESTATE OF**

S172870 G041731 Fourth Appellate District, Div. 3

Petition for review denied
The request for judicial notice is denied.

**CONSTRUCTION
PROTECTIVE SERVICES,
INC. v. S.C. (HOKE)**

S172871 H032666 Sixth Appellate District

Petition for review denied

**SHIEJAK (BARBARA) v.
COMMUNITY HOSPITAL OF
THE MONTEREY
PENINSULA**

S172879 A121814 First Appellate District, Div. 3

Petition for review denied

**NAVARRA (CARL J.) v. CITY
OF OAKLAND**

S172883 B177081 Second Appellate District, Div. 3

Petition for review denied
The request for judicial notice is denied.

**EVANS (VINCENT K.) v.
HAMILTON WAY TRUST**

S172924 A119531 First Appellate District, Div. 5

Petition for review denied

**PEOPLE v. DANZART
(MARK ERNEST)**

S172959 E048200 Fourth Appellate District, Div. 2

Petition for review denied
The request for judicial notice is granted.

**COYER (MICHAEL T.) v.
WORKERS'
COMPENSATION APPEALS
BOARD/(COUNTY OF SAN
BERNARDINO)**

S172977 H034036 Sixth Appellate District

Petition for review & application for stay denied

**PFEISTER (JOANNA LESLIE)
v. S.C. (PEOPLE)**

S172994 B208721 Second Appellate District, Div. 7

Petition for review denied

**PEOPLE v. MARTINEZ
(ARTURO)**

S172995 B207341 Second Appellate District, Div. 7
Petition for review denied

**PEOPLE v. MUNOZ
(RAMIRO)**

S173000 B201488 Second Appellate District, Div. 3
Petition for review denied

**PEOPLE v. PELLEGRIN
(GONZALO IBARRA)**

S173002 B203971 Second Appellate District, Div. 1
Petition for review denied

**PEOPLE v. VILLEGAS
(JONATHAN)**

S173005 G041331 Fourth Appellate District, Div. 3
Petition for review denied

**PEOPLE v. CASTILLO
(WILLIAM)**

S173010 E046406 Fourth Appellate District, Div. 2
Petition for review denied

**PEOPLE v. SPEARS (GARY
GENE)**

S173023 A120442 First Appellate District, Div. 5
Petition for review denied

**PEOPLE v. CHAVARRIA
(ROBERT)**

S173028 D051554/D052185 Fourth Appellate District, Div. 1
Petition for review denied
The request to appear as counsel pro hac vice is granted.
The request for judicial notice is granted.
The petition for review is denied.

**LARSON (ASHLEY) v.
CASUAL MALE STORES
LLC.**

S173035 A122521 First Appellate District, Div. 3
Petition for review denied

**PEOPLE v. GOODWIN, JR.,
(CURTIS ANTHONY)**

S173038 E047823 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. RODRIGUEZ
(JAMES ANDREW)**

S173040 G040605 Fourth Appellate District, Div. 3

Petition for review denied

**GREENBERG (LAURENCE)
v. S.C. (SMITH)**

S173048 D052674 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. OWSLEY
(ANTONIO RAY)**

S173052 C058501 Third Appellate District

Petition for review denied

**PEOPLE v. BHAMBRA
(HARJIT S.)**

S173055 B134272 Second Appellate District, Div. 2

Petition for review denied

**PEOPLE v. VIZCARRA
(RUBEN)**

S173063 C059289 Third Appellate District

Petition for review denied

**PEOPLE v. MOORE
(STEPHEN ARNOLD)**

S173065 B208824 Second Appellate District, Div. 1

Petition for review denied

E.L., IN RE

S173067 H033388 Sixth Appellate District

Petition for review denied

O.D., IN RE

S173071 B215651 Second Appellate District, Div. 1

Petition for review denied

**BANDER LAW FIRM v. S.C.
(DUKER)**

S173073 G040039 Fourth Appellate District, Div. 3
Petition for review denied

PEOPLE v. BAEZ (FRANK)

S173075 A121506 First Appellate District, Div. 4
Petition for review denied

**PEOPLE v. CUMMINGS
(FLOYD AKEEM)**

S173076 F055785 Fifth Appellate District
Petition for review denied

**PEOPLE v. PATTERSON
(ANDREW CARL)**

S173118 B215715 Second Appellate District, Div. 1

**PYLE (CHARLIE W.) v. S.C.
(PEOPLE)**

The request for judicial notice is granted.

The application for stay, petition for review, and supplemental petition for review are denied.

S173125 C061780 Third Appellate District
Petition for review & application for stay denied

**HALL (TYLER JORDAN) v.
S.C. (PEOPLE)**

S173129 D051859 Fourth Appellate District, Div. 1
Petition for review denied

**PEOPLE v. WILLIAMS
(TINA)**

S173130 H034027 Sixth Appellate District
Petition for writ of mandate/prohibition denied

**HOUSTON (KELVIN) v.
COURT OF APPEAL, SIXTH
APPELLATE DISTRICT
(PEOPLE)**

S173135 A120549 First Appellate District, Div. 3
Petition for review denied

**PEOPLE v. STRACK (SCOTT
RALPH)**

S173138 B206378 Second Appellate District, Div. 4

Petition for review denied

**PEOPLE v. MITCHELL
(MAURICE)**

S173149 C057357 Third Appellate District

Petition for review denied

**PEOPLE v. MIZE (DENNIS
WAYNE)**

S173153 E046194/E046391 Fourth Appellate District, Div. 2 **S.R., IN RE**

Petition for review denied

S173155 B204859 Second Appellate District, Div. 5

Petition for review denied

**SAMUELS (NOEMAN N.) v.
GRUBB & ELLIS COMPANY**

S173164 E045071 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. GLADDEN
(GIOVANNI TIREY)**

S173165 E045969 Fourth Appellate District, Div. 2

Petition for review & depublication request(s) denied

**MEGA LIFE & HEALTH
INSURANCE COMPANY v.
S.C. (CLOSSON)**

S173174 D052142 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. KIRCHER
(ROBERT SAMUEL)**

S173178 B207080 Second Appellate District, Div. 2

Petition for review denied

**PEOPLE v. MELENDEZ, JR.,
(JOSE ALEX)**

S173181 B199982 Second Appellate District, Div. 3

Petition for review & depublication request(s) denied
Chin, J., was recused and did not participate.

**WATKINS (FELICIA M.) v.
WACHOVIA CORPORATION**

S173250 C051774 Third Appellate District

Petition for review denied

**PEOPLE v. MUNOZ (JOSE
REMEDIOS)**

S173322 B216002 Second Appellate District, Div. 2

Petition for review & application for stay denied

**FOUR STAR GENERAL
PROPERTIES LLC. v. S.C.
(BLUE WATER SUNSET
LLC.)**

S173883 B215480 Second Appellate District, Div. 3

Petition for review & application for stay denied
The motion for calendar preference is denied as moot.

**REICHELT (LAWRENCE
KEVIN) v. WORKERS'
COMPENSATION APPEALS
BOARD/(CITY OF LOS
ANGELES)**

S126032

**CORNWELL, JR., (GLENN)
ON H.C.**

The petition for writ of habeas corpus, filed on July 2, 2004, is denied.

All claims, except claim 11, are denied on the merits.

Claim 11 is denied as premature, without prejudice to renewal after an execution date is set.

Claims 1, 4(c), 16, and 19 are denied as untimely. (*In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 797.)

Claim 7, to the extent it argues the trial court violated a duty on the part of the court to act on its own motion, is denied because it could and should have been raised on appeal (*In re Dixon* (1953) 41 Cal.2d 756, 759), and on the ground of untimeliness. (*In re Robbins, supra*, 18 Cal.4th at p. 780.)

Except to the extent it alleges ineffective assistance of counsel, claim 17 is denied on the ground that it was raised and rejected on appeal (*In re Waltreus* (1965) 62 Cal.2d 218, 225), and on the ground of untimeliness. (*In re Robbins, supra*, 18 Cal.4th at p. 780.)

Except to the extent they allege ineffective assistance of counsel, claims 10 and 18 are denied on the ground they should have been raised in the trial court (*In re Seaton* (2004) 34 Cal.4th 193,

198-199), and on the ground of untimeliness. (*In re Robbins, supra*, 18 Cal.4th at p. 780.) Justice Werdegar would not apply the *Seaton* bar to claims 10 and 18.

S137884**DOOLIN (KEITH ZON) ON H.C.**

The petition for writ of habeas corpus, filed on October 11, 2005, is denied.
All claims are denied on the merits.
Kennard, J., is of the opinion an order to show cause should be issued.

S139574**PRICE (CURTIS F.) ON H.C.**

Petitioner's motion for judicial notice filed in this court on May 7, 2007, is granted.
Petitioner's "Fourth Petition for Writ of Habeas Corpus," filed in this court on December 13, 2005, is denied on the merits for failure to state a prima facie case for relief.
Werdegar, J., was recused and did not participate.

S147688**VIEIRA (RICHARD JOHN) ON H.C.**

The petition for writ of habeas corpus, filed October 31, 2006, is denied.
All claims are denied on the merits.
All claims, with the exception of claims 20, 28, 34, 37-43, and 45, are denied as untimely. (*In re Robbins* (1998) 18 Cal.4th 770, 799, fn. 21; *In re Clark* (1993) 5 Cal.4th 750, 782-787.)
To the extent they were raised and rejected on appeal, and except insofar as they allege ineffective assistance of counsel, Claims 12, 13, 18, 21-27, 29-33, 36, paragraphs 3(a), 3(c), 3(d), and 3(e) of Claim 6, the multiple murder voir dire issue raised in Claim 10, and the individual death qualification voir dire issue raised in Claim 11 are barred by *In re Waltreus* (1965) 62 Cal.2d 218, 225.
To the extent they were not raised on appeal, and except insofar as they allege ineffective assistance of counsel, Claims 5, 6 (except paragraphs 3(a), 3(c), 3(d), and 3(e)), 10 (except the multiple murder voir dire issue), 11 (except the individual death qualification voir dire issue), 14, 15, and 16 are barred by *In re Harris* (1993) 5 Cal.4th 813, 825 & fn. 3, 826-829, and *In re Dixon* (1953) 41 Cal.2d 756, 759.
Except to the extent it alleges ineffective assistance of trial counsel, paragraph 4 of Claim 4 is denied because petitioner failed to raise it in the trial court. (*In re Seaton* (2004) 34 Cal.4th 193.) Justice Werdegar would not hold that any of petitioner's claims are barred under *In re Seaton* (2004) 34 Cal.4th 193.
Claim 41 is denied as premature, without prejudice to petitioner's filing of a renewed habeas corpus petition after an execution date has been set.

S163288

Petition for writ of habeas corpus denied

GOMEZ (MANUEL) ON H.C.**S167738**

Petition for writ of habeas corpus denied

JACKSON (KEVIN) ON H.C.**S168436**

Petition for writ of habeas corpus denied

**LANG (LAURENCE D.) ON
H.C.****S168955**The petition for writ of habeas corpus is denied without prejudice to filing a petition for writ of habeas corpus in the trial court. (See *In re Lawrence* (2008) 44 Cal.4th 1181.)**COOLEY (DAVID) ON H.C.****S168962**

Petition for writ of habeas corpus denied

ACKER (MARYANN) ON H.C.**S168969**

The petition for writ of habeas corpus is denied as moot.

BARELA (JOE) ON H.C.**S169233**

Petition for writ of habeas corpus denied

MCNAIR (GARY) ON H.C.**S169319**

Petition for writ of habeas corpus denied

**HUNTER (MICHAEL) ON
H.C.****S169351**The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734.)**PINA (PABLO) ON H.C.****S169360**The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734.)**GATES (DAMIEN A.) ON H.C.**

S169368

Petition for writ of habeas corpus denied

**GUZMAN (MICHAEL) ON
H.C.****S169385**

Petition for writ of habeas corpus denied

**HERNANDEZ (JORGE LUIS)
ON H.C.****S169387**

Petition for writ of habeas corpus denied

**LAWSON (RAYMOND) ON
H.C.****S169393**

Petition for writ of habeas corpus denied

**GRAYSON (TIMOTHY S.) ON
H.C.****S169403**

Petition for writ of habeas corpus denied

**DOUGHERTY (JAMES) ON
H.C.****S169407**The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780.)**RODRIGUEZ (ERNESTO) ON
H.C.****S169464**

Petition for writ of habeas corpus denied

**KAEMPF (MICHAEL) ON
H.C.****S169470**The petition for writ of habeas corpus is denied. (See *In re Waltreus* (1965) 62 Cal.2d 218; *In re Lindley* (1947) 29 Cal.2d 709; *In re Dixon* (1953) 41 Cal.2d 756; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)**BROWN (DANIEL C.) ON
H.C.**

S169497**BIRDWELL II (BILLY PAUL)
ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750.)

S169564**CORDEIRO (DEREK LANE)
ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750.)

S169600**DIXON (PRINCE) ON H.C.**

Petition for writ of habeas corpus denied

S169608**EASLEY (CLAUDIE) ON H.C.**

Petition for writ of habeas corpus denied

S169617**MCGEE, JR., (CHARLES
SHELDON) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S169619**WILSON (THEODORE
O'DELL) ON H.C.**

Petition for writ of habeas corpus denied

S169620**BASCOMB II (GERALDO C.)
ON H.C.**

Petition for writ of habeas corpus denied

S169659**LARA (RAYMOND) ON H.C.**

Petition for writ of habeas corpus denied

S169660**BROWN (DARRIN) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Dixon* (1953) 41 Cal.2d 756.)

S169661**BANKS (MICHAEL L.) ON
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Lessard* (1965) 62 Cal.2d 497, 503; *In re Dixon* (1953) 41 Cal.2d 756.)

S169662**MCCLELLAN (CHARLES)
ON H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

S169663**PARRA (GUADALUPE
MEDINA) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Waltreus* (1965) 62 Cal.2d 218; *In re Lindley* (1947) 29 Cal.2d 709.)

S169667**BODDIE (ALEXANDER) ON
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750.)

S169677**GAINES (DEMARIOUS D.)
ON H.C.**

Petition for writ of habeas corpus denied

S169680**JAMES (CHAUNCY) ON H.C.**

Petition for writ of habeas corpus denied

S169703**GOMEZ (HENRY) ON H.C.**

Petition for writ of habeas corpus denied

S169704**JOHNSON (TIMOTHY) ON
H.C.**

Petition for writ of habeas corpus denied

S169724**WARNER (DAVID JAMES)
ON H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

S169731**COURTRIGHT (JIMMIE J.)
ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

S169735**TATE (LARRY) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Waltreus* (1965) 62 Cal.2d 218; *In re Miller* (1941) 17 Cal.2d 734.)

S169739**KELLEY (PATRICK J.) ON
H.C.**

Petition for writ of habeas corpus denied

S169745**JOHNSON (RODWICK) ON
H.C.**

Petition for writ of habeas corpus denied

S169748**SCOTT (DESHAWN) ON H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Waltreus* (1965) 62 Cal.2d 218; *In re Lindley* (1947) 29 Cal.2d 709.)

S169786**JONES (GERARD) ON H.C.**

Petition for writ of habeas corpus denied

S169818**GUZMAN (FELIX
GONZALEZ) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Waltreus* (1965) 62 Cal.2d 218.)

S169821**JORDAN (DONALD A.) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Waltreus* (1965) 62 Cal.2d 218.)

S169824**ROSS (RODNEY L.) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Dixon* (1953) 41 Cal.2d 756; *In re Lindley* (1947) 29 Cal.2d 709.)

S169829**ESCOBEDO, JR., (ROBERT L.) ON H.C.**

Petition for writ of habeas corpus denied

S169868**RICHARDSON (PATRICK L.) ON H.C.**

Petition for writ of habeas corpus denied

S169912**WARNER (DAVID JAMES) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Clark* (1993) 5 Cal.4th 750.)

S169918**WARNER (DAVID JAMES) ON H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Miller* (1941) 17 Cal.2d 734.)

S169929**EVANS (CHESLEY) ON H.C.**

Petition for writ of habeas corpus denied

S169942**SMITH (JERRY T.) ON H.C.**

Petition for writ of habeas corpus denied

S169947**HOLLIDAY (CURTIS) ON H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

S169968**COLLET (EDWARD) ON H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

S169971**GILLIS (RICHARD ALLEN)
ON H.C.**

Petition for writ of habeas corpus denied

S169994**ANDRADE (LARRY) ON H.C.**

Petition for writ of habeas corpus denied

S170005**CONWAY (JACOB W.) ON
H.C.**

Petition for writ of habeas corpus denied

S170007**CARPENTER (JOHN L.) ON
H.C.**

Petition for writ of habeas corpus denied

S170013**ESTRADA (LEONARDO) ON
H.C.**

Petition for writ of habeas corpus denied

S170020**SANCHEZ (ISIDRO) ON H.C.**

Petition for writ of habeas corpus denied

S170049**BARILLAS (ERWIN) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Waltreus* (1965) 62 Cal.2d 218.)

S170060**SCOTT (ALFRED) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Miller* (1941) 17 Cal.2d 734.)

S170064**DELGADO (TIMOTEO) ON
H.C.**

Petition for writ of habeas corpus denied

S170075**WEST (DARRYL F.) ON H.C.**The petition for writ of habeas corpus is denied. (See *In re Clark* (1993) 5 Cal.4th 750.)**S170481****LAURICELLA (JOSEPH) ON
H.C.**

Petition for writ of habeas corpus denied

S170531**WELCH (EUGENE
EVERETT) ON H.C.**

Petition for writ of habeas corpus denied

S170645**BJORKSTRAND (AARON)
ON H.C.**

Petition for writ of habeas corpus denied

S170732**WELCH (EUGENE
EVERETT) ON H.C.**

Petition for writ of habeas corpus denied

S170820**BJORKSTRAND (AARON)
ON H.C.**The petition for writ of habeas corpus is denied. (See *In re Dixon* (1953) 41 Cal.2d 756; *In re Robbins* (1998) 18 Cal.4th 770, 780.)**S171031****BIRDWELL II (BILLY PAUL)
ON H.C.**

Petition for writ of habeas corpus denied

S171121**BRYAN (JOHN) ON H.C.**The petition for writ of habeas corpus is denied. (See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

S171624

Petition for writ of habeas corpus denied

WILSON (WILLIE) ON H.C.**S171677**

Petition for writ of habeas corpus denied

**LAUCELLA (ROBERT) ON
H.C.****S172295**

The petition for writ of habeas corpus is denied. (See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Dexter* (1979) 25 Cal.3d 921.)

**LOGAN (JAMES DAVID) ON
H.C.****S172811**

Petition for writ of habeas corpus denied

**JACKSON (STEPHEN) ON
H.C.****S172855**

The petition for writ of habeas corpus is denied. (See *In re Dixon* (1953) 41 Cal.2d 756.)

**WILLIAMS (MICHAEL
BOBBY) ON H.C.****S172874**

The petition for writ of habeas corpus is denied. (See *In re Dexter* (1979) 25 Cal.3d 921.)

**CERVANTES (RAUL) ON
H.C.****S172899**

Petition for writ of habeas corpus denied

BROWN (KENYON) ON H.C.**S172916**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

**MATTHEWS (GENEO) ON
H.C.****S172933**

The petition for writ of habeas corpus is denied. (See *In re Dexter* (1979) 25 Cal.3d 921.)

EMERY (RUBEN) ON H.C.

S172937**LOPEZ (RONALD MIRANDA)
ON H.C.**

Petition for writ of habeas corpus denied

S172940**GREENE (GERMAINE) ON
H.C.**The petition for writ of habeas corpus is denied. (See *In re Wessley W.* (1981) 125 Cal.App.3d 240, 246; *People v. Villa* (2009) 45 Cal.4th 1063.)**S172947****DEY (EUGENE ALEXANDER)
ON H.C.**

Petition for writ of habeas corpus denied

S172971**SARGENT (GARY LEE) ON
H.C.**

Petition for writ of habeas corpus denied

S172976**MCCASKILL (RODNEY) ON
H.C.**

Petition for writ of habeas corpus denied

S173015 B206383 Second Appellate District, Div. 6**HOLM (JON CHARLES) ON
H.C.**The petition for writ of habeas corpus is denied. (See *In re Clark* (1993) 5 Cal.4th 750; *In re Waltreus* (1965) 62 Cal.2d 218; *In re Lindley* (1947) 29 Cal.2d 709; *In re Dixon* (1953) 41 Cal.2d 756; *People v. Pompa-Ortiz* (1980) 27 Cal.3d 519.)**S173167****KINNAMON (TODD LEE) ON
H.C.**The petition for writ of habeas corpus is denied. (See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)**S173175****LOGAN (JAMES DAVID) ON
H.C.**The petition for writ of habeas corpus is denied. (See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

S173338**WILLIAMS (KEITH) ON H.C.**

Petition for writ of habeas corpus denied

S173360**THOMAS (KEITH) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

S173395**WATTS (MANGO) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Dexter* (1979) 25 Cal.3d 921; *In re Clark* (1993) 5 Cal.4th 750.)

S173539**KUNKEL (PATRICK CLAY)
ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734.)

S173571**THOMAS (KEITH) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Clark* (1993) 5 Cal.4th 750.)

S173573**ABEBE (YEWHALA ESHET)
ON H.C.**

Petition for writ of habeas corpus denied

S173605**CHURCHILL (TOMMY LEE)
ON H.C.**

Petition for writ of habeas corpus & application for stay denied

S173607**LANGILL (DOUGLAS B.) ON
H.C.**

Petition for writ of habeas corpus denied

S172861 B205533 Second Appellate District, Div. 8 **MCCONNELL (MICHAEL A.)
v. INNOVATIVE ARTISTS
TALENT & LITERARY
AGENCY, INC.**

Publication ordered (case closed)

As recommended by the Court of Appeal, the Reporter of Decisions is directed to publish the Court of Appeal opinion in the above-entitled matter in the Official Reports. (Cal. Rules of Court, rule 8.1120(a)(1).)

S172021 B208727 Second Appellate District, Div. 4 **WHITE (STEVE) v. INDIAN
OAKS, L.P.**

Publication request denied (case closed)

S172025 D054686 Fourth Appellate District, Div. 1 **LAPORTE (MICHAEL A.) v.
S.C. (PACIFIC SHORES
DEVELOPMENT, INC.)**

Publication request denied (case closed)

S172194 B205231 Second Appellate District, Div. 3 **S.M., IN RE**
Publication request denied (case closed)

S172898 A116792 First Appellate District, Div. 4 **PEOPLE v. TRI-UNION
SEAFOODS**

Depublication requests denied (case closed)

S173158 A120324 First Appellate District, Div. 3 **GLOBAL REACH
INVESTMENT
CORPORATION v.
BURLINGAME
INVESTMENT
CORPORATION**

Publication request denied (case closed)

S029843**PEOPLE v. BECK (JAMES
DAVID) & CRUZ (GERALD
DEAN)**

Extension of time granted

Good cause appearing, and based upon Deputy State Public Defender William T. Lowe's representation that he anticipates filing appellant Gerald Dean Cruz's reply brief by mid-August 2010, counsel's request for an extension of time in which to file that brief is granted to August 25, 2009. After that date, only six further extensions totaling about 350 additional days are contemplated

S044693**PEOPLE v. WALL (RANDALL
CLARK)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to August 31, 2009.

S058734**PEOPLE v. HOLMES (KARL
DARNELL), MCCLAIN
(HERBERT CHARLES), &
NEWBORN (LORENZO)**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Deborah J. Chuang's representation that she anticipates filing the respondent's brief by December 31, 2009, counsel's request for an extension of time in which to file that brief is granted to August 28, 2009. After that date, only two further extensions totaling about 120 additional days are contemplated.

S062180**PEOPLE v. VALDEZ
(RICHARD)**

Extension of time granted

Good cause appearing, and based upon Deputy State Public Defender Gary D. Garcia's representation that he anticipates filing the appellant's reply brief by February 22, 2010, counsel's request for an extension of time in which to file that brief is granted to August 25, 2009. After that date, only three further extensions totaling about 180 additional days are contemplated.

S062259**PEOPLE v. SCULLY
(ROBERT WALTER)**

Extension of time granted

Good cause appearing, and based upon Supervising Deputy State Public Defender Margot Garey's representation that she anticipates filing the appellant's opening brief by September 2010,

counsel's request for an extension of time in which to file that brief is granted to August 24, 2009. After that date, only six further extensions totaling about 370 additional days are contemplated.

S101247**PEOPLE v. VARGAS
(EDUARDO DAVID)**

Extension of time granted

Good cause appearing, and based upon counsel Russell S. Babcock's representation that he anticipates filing the appellant's opening brief by November 1, 2009, counsel's request for an extension of time in which to file that brief is granted to August 19, 2009. After that date, only one further extension totaling about 70 additional days is contemplated.

S105908**PEOPLE v. GHOBRIAL
(JOHN SAMUEL)**

Extension of time granted

Good cause appearing, and based upon Supervising Deputy State Public Defender Denise Anton's representation that she anticipates filing the appellant's opening brief by January 2010, counsel's request for an extension of time in which to file that brief is granted to August 25, 2009. After that date, only three further extensions totaling about 150 additional days are contemplated.

S130263**GAY (KENNETH EARL) ON
H.C.**

Extension of time granted

Good cause appearing, and based upon counsel Gary D. Soward's representation that he anticipates filing the traverse by September 30, 2009, counsel's request for an extension of time in which to file that brief is granted to August 27, 2009. After that date, only one further extension totaling about 34 additional days is contemplated.

S169090**PEOPLE v. CHOYCE
(WILLIAM JENNINGS)**

Extension of time granted

Good cause appearing therefor, in light of the fact that the clerk's transcript exceeds 10,000 pages, the request of the superior court clerk for an extension of time to complete the clerk's transcript on appeal is granted. (See Cal. Rules of Ct., rule 8.616(d)(1),(2).) The superior court clerk is directed to complete the clerk's transcript on appeal on or before July 20, 2009, and to notify the Clerk of this court in writing as soon as the transcript is completed. No further extensions of time are contemplated.

S007522**PEOPLE v. JENKINS
(DANIEL STEVEN)**

Counsel appointment order filed

Good cause appearing, the application for the appointment of associate counsel on behalf of condemned inmate Daniel Steven Jenkins, filed June 5, 2009, is hereby granted.

Jorge Gonzalez is hereby appointed as associate counsel of record for condemned inmate Daniel Steven Jenkins. Counsel is appointed for purposes of all postconviction proceedings in this court, and for subsequent proceedings, including the preparation and filing of a petition for clemency with the Governor of California, as appropriate.

Michael R. Snedeker remains as appointed lead counsel of record for condemned inmate Daniel Steven Jenkins.

S123813**PEOPLE v. FLINNER
(MICHAEL WILLIAM)**

Counsel appointment order filed

Upon request of appellant for appointment of counsel, Patrick Morgan Ford is hereby appointed to represent appellant Michael William Flinner for the direct appeal in the above automatic appeal now pending in this court.

S128402**PEOPLE v. DONALDSON
(JASARI LATIFUL)**

Order appointing State Public Defender filed

Upon request of appellant for appointment of counsel, the State Public Defender is hereby appointed to represent appellant Jasari Latiful Donaldson for the direct appeal in the above automatic appeal now pending in this court.

S150984

D046394/D048111/D049238

Fourth Appellate District, Div. 1

**PEOPLE v. FREEMAN
(MARILYN KAYE)**

Order filed

The parties in this matter are requested to file letter briefs discussing the impact, if any, of the decision of the United States Supreme Court in *Caperton v. A.T. Massey Coal Co., Inc.* (2009) 550 U.S. ____ [2009 WL 1576573] on the issue on which review was granted in this case.

The parties may file simultaneous letter briefs no later than Friday, July 31, 2009. Each party may then file an answer letter brief no later than Friday, August 14, 2009.

S084292**ROGERS (DAVID KEITH) ON
H.C.**

Reference hearing ordered

THE COURT:

Based on the record in this matter and good cause appearing:

The Honorable Michael B. Lewis, Presiding Judge of the Superior Court of California, County of Kern, is directed to select a Judge of that court to sit as a referee in this proceeding and promptly notify this court of the referee selected. After appointment by this court, the referee is to take evidence and make findings of fact on the following questions regarding the case of *People v. David Keith Rogers* (Kern County Superior Court No. 33477, Judge Gerald K. Davis):

1. Did Tambri Butler testify falsely (either inadvertently or otherwise) at the penalty phase of petitioner's trial regarding the identity of the person who assaulted her in January or February 1986?
2. Did Tambri Butler testify falsely at the penalty phase of petitioner's trial regarding any other matter, including:
 - 1) whether she had seen petitioner on television before she identified him as her attacker; and
 - 2) whether she had been promised leniency for her testimony and/or was aware that she would be released early after she testified?
3. Is there newly discovered, credible evidence indicating that petitioner did not assault Tambri Butler in 1986, including evidence that another person committed the assault? If so, what is that evidence?
4. What information did law enforcement agencies involved in petitioner's prosecution possess before, during and after petitioner's trial regarding Michael Ratzlaff's attacks on prostitutes other than Tambri Butler? When did law enforcement come into possession of the information? Were the individual law enforcement officers who possessed the information involved in petitioner's prosecution? Was the prosecution in petitioner's case aware, or should it have been aware, of the information? Did the prosecution disclose such information to petitioner's defense counsel?
5. What crime was Tambri Butler serving time for at the time she testified at petitioner's trial? Did the prosecution disclose information about Tambri Butler's criminal history to the defense? If so, what information did it disclose?
6. Was Tambri Butler promised leniency in exchange for her testimony against petitioner? Did Tambri Butler request early release in exchange for her testimony? Was Tambri Butler aware at the time she testified that she would be released early in exchange for her testimony? Was Tambri Butler threatened by law enforcement agents or given false information about the killing of Tracie Clark before she testified? Was the prosecution aware, or should it have been aware, of any promises or threats made to Tambri Butler or Butler's request or expectation of early release? If so, did it disclose such information to the defense?
7. What actions did petitioner's trial counsel, Eugene Lorenz, take to investigate the 1986 assault on Tambri Butler, including:
 - 1) the identity of Butler's assailant;
 - 2) whether Butler had seen petitioner on television before she identified him;

- 3) Butler's criminal history; and
 - 4) whether petitioner had been involved in any prior arrests of Butler before she identified him as her assailant? What were the results of that investigation? Was that investigation conducted in a manner to be expected of a reasonably competent attorney acting as a diligent advocate? If not, in what respects was it inadequate?
8. If trial counsel's investigation was inadequate, what additional evidence would an adequate investigation have disclosed? How credible was that evidence? What investigative steps would have led to that additional evidence?
 9. After conducting an adequate investigation of the assault on Butler, would a reasonably competent attorney acting as a diligent advocate have introduced additional evidence regarding:
 - 1) the identity of Butler's assailant;
 - 2) whether Butler had seen petitioner on television before she identified him;
 - 3) Butler's criminal history; and
 - 4) whether petitioner had been involved in any prior arrests of Butler before she identified him as her assailant? What, if any, rebuttal evidence would have been available to the prosecution?
 10. Did trial counsel have tactical or other reasons for failing to challenge the admissibility of Butler's testimony? If so, what were those reasons? After conducting an adequate investigation into the 1986 assault, would reasonably competent counsel have moved to exclude Butler's testimony?
 11. Did trial counsel have tactical or other reasons for failing to impeach or rebut Tambri Butler's testimony? If so, what was/were the reason(s)? What impeaching or rebuttal evidence was available to counsel upon reasonable investigation? Would a reasonably competent attorney acting as a diligent advocate have impeached or rebutted Butler's testimony? If so, in what manner?
 12. Did trial counsel have tactical or other reasons for failing to present expert testimony on eyewitness identifications? If so, what was/were the reason(s)? Would a reasonably competent attorney acting as a diligent advocate have presented expert testimony on eyewitness identifications? What would such an expert witness have said?
 13. Did trial counsel have tactical or other reasons for failing to request CALJIC No. 2.92? If so, what was/were the reason(s)? Would a reasonably competent attorney acting as a diligent advocate have requested CALJIC No. 2.92?
 14. Did trial counsel have tactical or other reasons for failing to address Butler's testimony in closing argument at the penalty phase? If so, what was/were the reason(s)? Would a reasonably competent attorney acting as a diligent advocate have addressed Butler's testimony in closing argument at the penalty phase? If so, in what manner?

It is further ordered that the referee prepare and submit to this court a report of the proceedings conducted pursuant to this appointment, of the evidence adduced, and the findings of fact made. All requests for discovery in this matter must be addressed to the referee.

S173087**EVERS (GEORGE) v. S.C.
(PEOPLE)**

Transferred to Court of Appeal, First Appellate District

The above entitled matter is transferred to the Court of Appeal, First Appellate District, for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition must be denied.

S173316**PAYNE (MYRON A.) v. S.C.
(OFFICER MAESE)**

Transferred to Court of Appeal, Fifth Appellate District

The above entitled matter is transferred to the Court of Appeal, Fifth Appellate District, for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition must be denied.

S173334**HOLM (JON CHARLES) v.
S.C. (PEOPLE)**

Transferred to Court of Appeal, Second Appellate District, Division Six

The above-entitled matter is transferred to the Court of Appeal, Second Appellate District, Division Six.

